

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION No : 17923 of 2005

Dated: 12-08-2005

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Between:

P.S. Rao, E-511946, Driver,

Ongole Depot, age 38 years

R/o. Ongole, Prakasam District.

... Petitioner

AND

The A.P.S.R.T.C. represented by its

Regional Manager, Prakasam Region at

Prakasam District and another.

... Respondents

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ORDER:

This writ petition is filed by the petitioner aggrieved by the order dated 10-02-1998 passed by the 2nd respondent – Depot Manager in imposing a punishment of deferment of annual increment for a period of two years with cumulative effect, apart from imposing a fine of Rs.1,000/- towards the cost of the damages.

In fact, it is the grievance of the petitioner that the order has been passed by the respondents as if it is an order cum show cause notice and there is no

other subsequent order as the punishment of deferment of increment.

According to the petitioner, he was appointed as Driver under the respondent Corporation. While he was working, he was given a show cause notice for certain alleged irregularities calling upon to submit his explanation. Accordingly, the petitioner submitted his explanation on 03-02-1998. The grievance of the petitioner is that if the disciplinary authority – Depot Manager, has not satisfied with the explanation submitted by him, he ought to have conducted a regular departmental enquiry. But, however, he was imposed a major penalty of deferment of annual increment for a period of two years with cumulative effect apart from recovery of sum of Rs.1,000/- towards damages.

Learned counsel for the petitioner contended that the imposition of major penalty without conducting a regular departmental enquiry is contrary to the judgment of the Supreme Court reported in ***KULWANTH SINGH GILL v. STATE OF PUNJAB*** and, therefore, he sought for setting aside the impugned order.

Learned Standing Counsel, however, contended that the impugned order was passed on 10-02-1998 whereas the petitioner has come up with the present writ petition after a long lapse of time and therefore, there is no justification for this Court to interfere with the order impugned. It is further contended that though the petitioner filed an appeal before the Divisional Manager, the same was rejected on 29-10-2003 on the ground that the appeal was filed after a lapse of five years and therefore, he sought for dismissal of this writ petition.

Heard the learned counsel for the petitioner as well as the learned Standing Counsel for the Corporation and considered the material available on record.

Admittedly the impugned order passed by the Corporation is illegal and unsustainable in view of the judgment of the Supreme Court as referred to

above as the major penalty was imposed without conducting a regular departmental enquiry. However, as the petitioner has come up with the present writ petition after a long lapse of time, this Court did not incline to set aside the impugned order but inclined to modify the same by imposing the minor penalty in the place of major penalty. Accordingly, the punishment of deferment of annual increment for a period of two years is modified from cumulative effect to without cumulative effect. But, however, with reference to the monetary benefits to which the petitioner is entitled as a result of the modification of the order, shall be available to him only from the date of this order and the petitioner is not entitled for any monetary benefits for the period prior to the date of this order.

The Writ Petition is accordingly disposed of. No order as to costs.

S. ANANDA REDDY, J

Dated: 12-08-2005

LSK